

**From:** Jill Grant <jgrant@jillgrantlaw.com>  
**Sent:** Monday, March 24, 2014 10:18 AM  
**To:** Gervais, Gregory; Kelly Wright  
**Cc:** susanh@ida.net; dreisman@cinci.rr.com; Rochlin, Kevin; Fonseca, Silvina; Fiedler, Linda; Adam, Michael  
**Subject:** RE: Independent Review -  
  
**Categories:** Lepic 3-22 to 4-4

Greg,

I'm following up at Kelly's request on the various items we discussed in our call last Tuesday, March 18.

- 1) Regarding a date for the meeting on the work order for the independent review, Kelly and Susan talked some more and realized that they won't have any time they can reliably commit to until the first week of June. The tribal court has scheduled the FMC trial for 6 weeks, starting April 1 and lasting until mid-May. Also, as you noted on our call, FMC is scheduled to install groundwater wells in April as part of the IRODA, and the Tribes need to be involved in this and related issues regarding the capping and pump and treat system. Plus, again as you noted, EPA hopes to have the post-closure plans in place by mid-May for the RCRA ponds. In light of all these issues and the fact that the same tribal representatives are working on all of them, Kelly and Susan think it would be best for the meeting to be postponed until June, even though they remain anxious to move forward with the independent review. Unfortunately, David Reisman will be out of the country June 3-7, so I think we're talking about either June 2 or the week of June 9.
- 2) In order to start working on the issues despite the scheduling conflicts, Kelly thinks it should be fine to have some conference calls prior to the in-person meeting. He thought that May would be easier than April to find some time. He, Susan, and David may need some flexibility in scheduling due to uncertainties about the trial schedule.
- 3) In terms of a meeting place, the Tribes would like to have the meeting in Chicago, for all the reasons we discussed. However, they were not awarded any travel funds in connection with the independent review. I don't know whether that's something that can be rectified; it would be great if it could be. If not, then the meeting would have to be in Salt Lake City. Please let us know your thoughts on this issue.
- 4) Regarding a facilitator, Kelly did not have a preference either way. (Perhaps if funds are available for a facilitator they also would be available for travel?)

Finally, Kelly asked me to relay to you that he appreciates your understanding about the scheduling issues, and that – as I think you know – proceeding with the independent review is of great importance to the Tribes and they are looking forward to working with you on the project.

Best,

Jill

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**From:** Gervais, Gregory [mailto:Gervais.Gregory@epa.gov]  
**Sent:** Friday, March 14, 2014 12:25 PM  
**To:** Kelly Wright  
**Cc:** susanh@ida.net; Jill Grant; dreisman@cinci.rr.com; Rochlin, Kevin; Fonseca, Silvina; Fiedler, Linda; Adam, Michael  
**Subject:** RE: Independent Review -

Kelly,

Thank you for the reply and the scheduling information. It would be helpful if Jill phoned me on Tuesday when I return to the office. Our intent would be to work through any unavoidable scheduling conflicts with the Tribes. Once Jill and I talk, our EPA team should be able to look at the project schedule and in particular the proposed meeting week of 5/5 and get back to you

later next week on the alternatives. In the meantime, please let us know whether you have any preferences on meeting location between Salt Lake City and Chicago. Denver may be another alternative as one of our EPA team members will be there the first part of the week of 5/5 already.

Best,

Greg

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Greg Gervais, P.E.  
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703-603-0690 (o) | [gervais.gregory@epa.gov](mailto:gervais.gregory@epa.gov) | [epa.gov/superfund](http://epa.gov/superfund) | [clu-in.org](http://clu-in.org)

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**From:** Kelly Wright [<mailto:kwright@sbtribes.com>]  
**Sent:** Thursday, March 13, 2014 8:47 PM  
**To:** Gervais, Gregory  
**Cc:** [susanh@ida.net](mailto:susanh@ida.net); Jill Grant ([jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)); [dreisman@cinci.rr.com](mailto:dreisman@cinci.rr.com); Rochlin, Kevin  
**Subject:** Independent Review -

Greg,

The Tribes are very anxious to move forward on this project. We agree a face to face meeting is very important but unfortunately, 3 of us are involved in a preparation for trial which has been scheduled for the entire month of April.

The soonest we could meet would be the first full week (5<sup>th</sup> through 9<sup>th</sup>) of May. Hopefully, this would meet with yours and Argonne's schedule.

Could we work to adjust the schedule accordingly? We will have Jill follow up with a call tomorrow if you are available. Sorry for the delay in getting back with you.

Thanks and looking forward to working with you and your staff in the near future.  
Kelly C. Wright  
Environmental Waste Management Program Manager  
Shoshone Bannock Tribes

**From:** "Gervais, Gregory" <[Gervais.Gregory@epa.gov](mailto:Gervais.Gregory@epa.gov)>  
**Date:** March 11, 2014, 11:01:10 AM MDT  
**To:** Kelly Wright <[kwright@sbtribes.com](mailto:kwright@sbtribes.com)>, "[susanh@ida.net](mailto:susanh@ida.net)" <[susanh@ida.net](mailto:susanh@ida.net)>  
**Cc:** "Fonseca, Silvina" <[Fonseca.Silvina@epa.gov](mailto:Fonseca.Silvina@epa.gov)>, "Fiedler, Linda" <[Fiedler.Linda@epa.gov](mailto:Fiedler.Linda@epa.gov)>, "Adam, Michael" <[Adam.Michael@epa.gov](mailto:Adam.Michael@epa.gov)>, "Rochlin, Kevin" <[rochlin.kevin@epa.gov](mailto:rochlin.kevin@epa.gov)>, Jill Grant <[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)>, "[dreisman@cinci.rr.com](mailto:dreisman@cinci.rr.com)" <[dreisman@cinci.rr.com](mailto:dreisman@cinci.rr.com)>  
**Subject:** RE: FMC Independent Review - Draft Project Plan and Scheduling Next Meeting

Kelly and Susan,

We have looked a second time at our availability, both for an in person

meeting and a conference call. Would Jill, David and you be available in person any of the dates from March 24-April 4? If not, what would your availability be for two 3-hour conference calls, to be scheduled on two separate days from March 24-April 4? I think both EPA and you are interested in building forward momentum for this project and reducing delays. We are focusing on having our meeting by April 4th to limit further schedule delays for Argonne to proceed with the technical review. However, if you have no availability in person or via phone prior to April 4th please let us know as we will need to work with you to both identify a suitable date and make overall schedule adjustments.

On a related note, we believe that our meeting will be more effective if we utilize a facilitator. Our first inclination is to use Argonne for that service, even if we need to request someone who will be excluded from the actual independent team. Ordering this service would need to happen soon, as Argonne would need to assign someone who can meet our scheduling constraints. Please let me know if you are open to this, and if yes we will include you on communications with Argonne to order the service.

Finally, please note that EPA HQ will be copying Kevin Rochlin on all email traffic as he has the role of EPA's coordinator for collecting documents that are responsive to an ongoing Freedom of Information Act request. He will not be involved with the upcoming meeting.

If you would prefer to call me and discuss these items, my contact information is below.

Best,

Greg

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Greg Gervais, P.E.  
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-----Original Message-----

From: Jill Grant [<mailto:jgrant@jillgrantlaw.com>]  
Sent: Monday, March 10, 2014 4:36 PM  
To: Gervais, Gregory; Kelly Wright; [susanh@ida.net](mailto:susanh@ida.net); [dreisman@cinci.rr.com](mailto:dreisman@cinci.rr.com)  
Cc: Fonseca, Silvina; Fiedler, Linda; Adam, Michael; Rochlin, Kevin  
Subject: RE: FMC Independent Review - Draft Project Plan and Scheduling Next Meeting

Greg,

Thanks for your email and for forwarding EPA's draft project plan. Kelly and Susan will be the contacts for the Tribes on this matter.

Unfortunately, it doesn't look like March 24 or 25 will work for any of us for the next meeting, but please communicate with Kelly and Susan regarding alternatives. I know everyone is anxious to begin this project.

Jill

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-----Original Message-----

From: Gervais, Gregory [<mailto:Gervais.Gregory@epa.gov>]  
Sent: Friday, March 07, 2014 7:08 AM  
To: Kelly Wright; Jill Grant; [susanh@ida.net](mailto:susanh@ida.net); [dreisman@cinci.rr.com](mailto:dreisman@cinci.rr.com)  
Cc: Fonseca, Silvina; Fiedler, Linda; Adam, Michael; Rochlin, Kevin  
Subject: FMC Independent Review - Draft Project Plan and Scheduling  
Next Meeting

Dear Kelly, Jill, Susan and David:

Thank you for participating in our introductory call last week concerning the elemental phosphorus excavation and treatment technology assessment for the FMC Operable Unit of the Eastern Michaud Flats Superfund Site ('the independent review'). As we discussed, the Office of Superfund Remediation and Technology Innovation (OSRTI) in EPA headquarters has been tasked with the lead for managing and coordinating Phase 1 of the independent review. As described in the July 10, 2012 letter to Chairman Small from EPA Deputy Administrator Bob Perciasepe and its attachment, there will be one or two phases to the project. The current effort is the technology review (Phase 1). Phase 2 ('Further Evaluation of Promising Technologies') may be undertaken, as indicated in the attachment to the Perciasepe letter: ". if EPA, with input from the Tribes, determines that the results of Phase 1 merit additional evaluation." The EPA will consider the product of the independent review when selecting the final remedy for the FMC Operable Unit.

On the call we introduced OSRTI staff who will be involved in coordinating the project:

- Greg Gervais, Chief, Technology Assessment Branch;
- Silvina Fonseca, Remedy Team Leader;
- Linda Fiedler, Environmental Engineer; and
- Mike Adam, Project Officer

As discussed, I will direct the effort and be the primary EPA contact for Shoshone-Bannock Tribal representatives who will be involved in this project. I can be reached at 703-603-0690, and [gervais.gregory@epa.gov](mailto:gervais.gregory@epa.gov).

We also discussed that the EPA and the Tribes previously agreed the review will be accomplished by Argonne National Laboratory under an OSRTI

Interagency Agreement managed by Mike Adam. To further consolidate coordination of the review, the management of the EPA Cooperative Agreement with the Tribes to support funding for the Tribes' technical representative for the independent review will be transferred from EPA Region 10 to OSRTI.

As we discussed on our call, in preparation for the technology review effort the EPA has developed a preliminary Project Plan for Phase 1 containing drafts of the following: a schedule, roles and responsibilities, an IAG work order to be completed by the EPA with the Tribes' input, and a placeholder for applicable technical information to be provided to Argonne with the final work order. This preliminary plan is attached for your review. We would like to schedule an in person meeting to discuss the Project Plan and tribal feedback. Because of the limited availability of OSRTI staff, we have narrowed down the possible meeting date to either March 24th or 25th, and we suggest one of two possible central locations: Chicago or Salt Lake City. If travel is problematic, I would propose that in the interest of keeping the project moving, we meet again by phone that week instead of in person. Please let me know by next week if possible what you think of the suggested meeting logistics and timeline.

I look forward to continued progress and coordination on this effort. If you have any questions, please don't hesitate to contact me.

Sincerely,

Greg Gervais, P.E., Chief  
Technology Assessment Branch  
Technology Information and Field Services Division Office of Superfund  
Remediation and Technology Innovation

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